

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF IOWA  
CEDAR RAPIDS DIVISION**

Randy Sanderson, Isaiah Hughes & Sons Trucking, LLC, Final Destination Trucking, LLC, Conway Transport, LLC, Brandon Souder, Brian Hott, James Terry, Tyler Mann, Austin Schaub, and Omegaline Logistics, LLC, individually and on behalf of all others similarly situated,

Plaintiffs,

v.

JMS Trucking, Inc., JMS Transportation Co., Inc., and JMS Dedicated Services L.C.,

Defendants.

CIVIL NO. 1:22-CV-00059-LTS-KEM  
Hon. Chief Judge Leonard T. Strand

**PLAINTIFFS' UNOPPOSED MOTION  
FOR PRELIMINARY APPROVAL OF  
RULE 23 CLASS ACTION  
SETTLEMENT**

Named-Plaintiffs Randy Sanderson, Isaiah Hughes & Sons Trucking, LLC, Final Destination Trucking, LLC, Conway Transport, LLC, Brandon Souder, Brian Hott, James Terry, Tyler Mann, Austin Schaub, and Omegaline Logistics, LLC, individually and on behalf of all others similarly situated (collectively "Plaintiffs"), hereby move the Court, without opposition or resistance by Defendants JMS Trucking, Inc., JMS Transportation Co., Inc., and JMS Dedicated Services L.C. (collectively, "Defendants" or "JMS"), to preliminarily approve the parties' proposed non-reversionary, class-action settlement. In support of their Motion, Plaintiffs state as follows:

1. This Motion for Preliminary Approval is made pursuant to Fed. R. Civ. P. 23.
2. Plaintiffs seek entry of the proposed order filed simultaneously with this Motion that: (1) grants preliminary approval of the proposed Settlement<sup>1</sup> of this class action for

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<sup>1</sup> Unless expressly defined herein, all capitalized terms in this Motion should be construed as

consideration that includes a gross Settlement Payment of \$5,250,000; (2) preliminarily certifies the Settlement Class for settlement purposes only, while appointing the Named Plaintiffs as class representatives, naming Dorsey & Whitney LLP as Class Counsel for the Settlement Class, and naming Rust Consulting as the Class Administrator; (3) approves the proposed Notice attached as Exhibit 1 to the Settlement and permits notice of the terms of the Settlement to be sent to the Class Members; and (4) schedules a date and time for a Final Approval and Fairness Hearing to consider approval of the Settlement, potential objections, Plaintiffs' requests for service awards, Rust Consulting's fees, and Plaintiffs' Counsel's request for an award of attorneys' fees and reimbursement of litigation expenses.

3. The Court should preliminarily approve the Settlement because it is fair, reasonable, and adequate under Rule 23(e).

4. The Settlement provides substantial benefits to the Class while avoiding the substantial risks and expenditures related to further litigation. The Settlement is also the result of arm's-length negotiations between experienced and qualified counsel after a protracted mediation process with former Chief Judge for the Southern District of Iowa, the Honorable John A. Jarvey (Ret.). The use of a mediator in settlement negotiations supports the presumption of fairness and the conclusion that the Settlement is free of collusion and undue influence.

5. In addition, the proposed Class under the Settlement, defined below, satisfies the prerequisites of Fed. R. Civ. P. 23(a) and (b)(3).

All persons and entities, except any affiliate of JMS and/or their immediate family members, who, in the time between January 1, 2016 and March 1, 2023, hauled one or more loads pursuant to the terms of JMS's Independent Contractor's Operating Agreement or as a Dedicated Carrier as defined herein.

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defined in the Final Settlement Agreement (the "Settlement") attached as Exhibit A to the Declaration of Michael D. Stinson filed in support of Plaintiffs' Motion.

6. That is, the Class meets the numerosity, commonality, typicality, and adequacy prerequisites under Rule 23(a), and questions of law and fact that are common to the Class Members predominate over any questions affecting individual members under Rule 23(b)(3).

7. Additionally, Plaintiffs seek approval of the proposed Notice and terms related to distribution of the Notice under the Settlement, which includes direct mailing by United States Mail, a settlement website established and maintained by the Administrator, and a toll-free number overseen by the Administrator.

8. This Motion is supported by the records, filings, and proceedings herein, including the following:

- a. Plaintiffs' Memorandum of Law in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of Settlement;
- b. The Declaration of Michael D. Stinson in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of Rule 23 Class Action Settlement and exhibits thereto;
- c. The Declaration of Kirk W. Schuler in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of Rule 23 Class Action Settlement and exhibit thereto;
- d. The Declaration of Eric Bishop in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of Rule 23 Class Action Settlement; and
- e. The Declaration of David Olshanski in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of Rule 23 Class Action Settlement.

9. Pursuant to LR 7(k), Plaintiffs have conferred in good faith with Defendants concerning this Motion, and Defendants do not oppose the Motion as expressly contemplated by the terms of the Settlement.

10. Because this Motion is unopposed, and because it requests preliminary relief subject to final approval at a later date, Plaintiffs do not request oral argument or a hearing on this Motion, and respectfully request that this Motion be granted forthwith.

WHEREFORE, Plaintiffs respectfully request that the Court:

- (A) Grant preliminary approval of the proposed Settlement;
- (B) Preliminarily certify the Settlement Class for settlement purposes only, appoint the Named Plaintiffs as representatives of the Settlement Class, and appoint Dorsey and Whitney LLP as Class Counsel for the Settlement Class;
- (C) Approve the Notice attached as Exhibit 1 to the Settlement, as well as all proposed and applicable opt-out and objection deadlines as set forth therein, and direct that such Notice be issued to the Settlement Class in the manner set forth in the Settlement;
- (D) Appoint Rust Consulting, Inc. as the Class Administrator to carry out the applicable functions and duties of the Administrator as set forth in the Settlement; and
- (E) Schedule a date and time for a Final Approval and Fairness Hearing to consider whether to finally approve the Settlement, as well as to consider Plaintiffs' requests for service awards, Plaintiffs' Counsel's request for an award of attorneys' fees and reimbursement of costs and expenses, including those costs and expenses of the Administrator, and to consider timely objections, if any, to any of the above.

Dated: June 9, 2023

Respectfully submitted,

DORSEY & WHITNEY LLP

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-and-

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*Attorneys for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that on June 9, 2023, the foregoing document was filed with the Clerk of Court via this Court's CM/ECF electronic filing system, and served on all counsel of record registered to receive electronic notice.

/s/ Kirk W. Schuler  
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